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Filing date: **10/29/2010**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91178927
Party	Plaintiff Royal Crown Company, Inc.
Correspondence Address	BARBARA A SOLOMON FROSS ZELNICK LEHRMAN & ZISSU PC 866 UNITED NATIONS PLAZA NEW YORK, NY 10017 UNITED STATES bsolomon@fzlz.com
Submission	Motion to Suspend for Settlement Discussions
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Signature	/Laura Popp-Rosenberg/
Date	10/29/2010
Attachments	Final Revised Motion for Suspension for Settlement (Oct.) (F0702426).PDF (6 pages)(16904 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

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ROYAL CROWN COMPANY, INC.,	:	<u>Consolidated Proceedings</u>
	:	Opposition No. 91178927
Opposer,	:	Opposition No. 91180771
	:	Opposition No. 91180772
- against -	:	Opposition No. 91183482
	:	Opposition No. 91185755
THE COCA-COLA COMPANY,	:	Opposition No. 91186579
	:	Opposition No. 91189847
Applicant.	:	Opposition No. 91190658
-----X		

— and —

-----X	:	
THE COCA-COLA COMPANY,	:	
	:	
Applicant,	:	
	:	
- against -	:	Opposition No. 91184434
	:	
ROYAL CROWN COMPANY, INC.,	:	
	:	
Opposer.	:	
-----X		

MOTION FOR SUSPENSION FOR SETTLEMENT WITH CONSENT

Counsel for The Coca-Cola Company (“TCCC”) and counsel for Royal Crown Company, Inc. (“Royal Crown”) hereby submit this Motion for Suspension for Settlement With Consent.

On October 14, 2010, counsel for TCCC and counsel for Royal Crown agreed to suspend the consolidated proceedings herein for 90 days to enable the parties to explore settlement. On the same day, counsel for TCCC used the automated forms available through the Board’s Electronic System for Trademark Trials and Appeals (“ESTTA”)

filing system to file a Motion for Suspension for Settlement with Consent. On October 26, 2010, counsel for Royal Crown was advised by the Interlocutory Attorney assigned to these consolidated proceedings, Cheryl Goodman, Esq., that the parties may wish to file an amended motion for suspension because the October 14 filing did not comply with the Board's previous orders requiring that all further requests for extension or suspension include a report on the progress of the parties' settlement talks to establish good cause. Thereafter, on October 27, 2010, the Board issued an order denying the parties' October 14 Motion for Suspension because the parties had not submitted a report on the status of settlement.

The parties hereby renew their request for suspension and provide the following report in accordance with the Board's April 15, 2010, June 1, 2010, August 9, 2010 and September 15, 2010 orders:

This is the first time the parties have requested suspension of these consolidated proceedings for purposes of settlement negotiations. The parties' past requests for extensions of the trial dates were made solely to accommodate certain outstanding discovery matters and to enable the parties to prepare for trial.

With respect to the progress of the settlement negotiations, the parties are engaged in ongoing substantive negotiations directly through in-house counsel to see whether an amicable resolution can be achieved that would resolve these proceedings. More particularly, in-house counsel for the parties have had three separate, substantive telephone conferences regarding settlement since early September and between such discussions have exchanged lengthy e-mail messages regarding possible settlement terms. Currently, TCCC is considering certain settlement proposal terms recently suggested by

Royal Crown, and the parties intend to speak again in the near future. Thus, the parties' discussions are substantive, detailed and ongoing.

The parties expect that with the requested 90 day suspension of the proceedings, the parties either will be able to conclude a settlement agreement or, if settlement is not possible, will be able to complete discovery and final preparation for trial. TCCC has agreed to produce all outstanding documents before the conclusion of the suspension period in the event that the parties conclude that settlement is not possible.

For the reasons stated above, the parties believe that good cause exists for the requested suspension.

Accordingly, the parties stipulate to and respectfully request the Board to approve and enter the following schedule:

	Deadline under September 15 Order	New Deadline
Plaintiff's pretrial disclosures due in Opposition Nos. 91178927, 91180771, 91180772, 91183482, 91185755, 91186579, 91189847 and 91190658	October 22, 2010	January 20, 2011
Plaintiff's 30-day testimony period closes in Opposition Nos. 91178927, 91180771, 91180772, 91183482, 91185755, 91186579, 91189847 and 91190658	December 6, 2010	March 6, 2011
Defendant's pretrial disclosures due in Opposition Nos. 91178927, 91180771, 91180772, 91183482, 91185755, 91186579, 91189847 and 91190658 and plaintiff's pretrial disclosures due in Opposition No. 91184434	December 21, 2010	March 21, 2011

	Deadline under September 15 Order	New Deadline
Defendant's testimony period closes in Opposition Nos. 91178927, 91180771, 91180772, 91183482, 91185755, 91186579, 91189847 and 91190658 and plaintiff's testimony period closes in Opposition No. 91184434	February 4, 2011	May 5, 2011
Plaintiff's rebuttal disclosures due in Opposition Nos. 91178927, 91180771, 91180772, 91183482, 91185755, 91186579, 91189847 and 91190658 and defendant's pretrial disclosures due in Opposition No. 91184434	February 19, 2011	May 20, 2011
Defendant's 30-day testimony period closes in Opposition No. 91184434 and Plaintiff's 15-day rebuttal period closes in Opposition Nos. 91178927, 91180771, 91180772, 91183482, 91185755, 91186579, 91189847 and 91190658	April 5, 2011	July 4, 2011
Plaintiff's rebuttal disclosures due in Opposition No. 91184434	April 20, 2011	July 19, 2011
Plaintiff's 15-day rebuttal testimony period closes in Opposition No. 91184434	May 20, 2011	August 18, 2011
Plaintiff's brief due in Opposition Nos. 91178927, 91180771, 91180772, 91183482, 91185755, 91186579, 91189847 and 91190658	July 19, 2011	October 17, 2011
Defendant's brief due in Opposition Nos. 91178927, 91180771, 91180772, 91183482, 91185755, 91186579, 91189847 and 91190658 and plaintiff's brief due in Opposition No. 91184434	August 18, 2011	November 16, 2011
Plaintiff's reply brief due in Opposition Nos. 91178927, 91180771, 91180772, 91183482, 91185755, 91186579, 91189847 and 91190658 and defendant's brief due in Opposition No. 91184434	September 17, 2011	December 16, 2011
Plaintiff's reply brief due in Opposition No. 91184434	October 2, 2011	December 31, 2011

Dated: October 29, 2010

Respectfully submitted,

FROSS ZELNICK LEHRMAN & ZISSU, P.C.

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Dated: October 29, 2010

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Attorneys for The Coca-Cola Company

CERTIFICATE OF SERVICE

I hereby certify that I have caused a true and correct copy of the foregoing **Motion for Suspension for Settlement With Consented** to be sent by email to counsel for Applicant, Bruce Baber, Esq., at bbaber@kslaw.com, with said counsel's consent, this 29th day of October, 2010.

/Laura Popp-Rosenberg/

Laura Popp-Rosenberg